

REMARKS

This is responsive to the Office Action dated August 3, 2004 in which the Examiner rejects all the pending claims as either being anticipated by Joseph et al (US Publication No. 2003/0123436) under 35USC §102 (e) or being obvious over combinations of Joseph, Crowe et al (US Patent No. 6,115,460), Neyman (US Patent No. 6,215,783), Gordon et al. (US Patent No. 4,905,273), Girard (US Publication No. 2003/0095542), Smith (US Publication No. 2003/0123632) and Galvin (US Patent No. 6,134,315) under 35USC §103(a). Claims 1, 2, 7, 10, 12, 19 and 25 are further rejected under 35USC §112.

Applicants have further amended independent claims 1, 7, 10, 12, 19, 25 and some of their dependent claims to perfect the claim language, and have added new dependent claims 37-54. In particular, Applicants have deleted the term “optimal” from the claims, which was not used in the original Specification, so as to overcome the rejection under 35USC §112. No new matter has been introduced in the above amendments to the claims, or in the newly added claims 37-54 which are fully supported in the original description (see e.g., page 28, line 17 – page 29, line 3, page 30, line 2 – 10, Fig. 9).

As to the rejections under 35USC §112 to the features “a memory for storing a category of telephone numbers” in claim 1 and “said memory stores information concerning which of a plural originating gateways to utilize to access said data network” in claim 2, Applicants respectfully submit that these features are present in the original claims and are fully supported in the original description (see, e.g., page 27, lines 3-8 and page 28, lines 3-9). Therefore, Applicants respectfully request that the rejections under 35USC §112 as to these features in claims 1 and 2 are withdrawn.

As to the rejections to the claims under 35USC §102 (e) and §103(a), Applicants respectfully disagree with the assertion of the Examiner that the distinguishing feature of “selecting one originating gateway from a plurality gateways each being capable of conveying the call to the data network.” has been anticipated by Joseph et al (US Publication No. 2003/0123436) under 35USC §102(e). In particular, Applicants respectfully submit that Joseph is not qualified as a reference under 35USC §102(e) because the portions in Joseph (Fig. 14, page paragraphs 0115-0117 and page 10, paragraphs 0124-0126) cited by the Examiner in the Office Action to reject the above-underlined feature is not described or included in the provisional application No. 60/331,479 to which Joseph claims a priority, therefore the related disclosure in Joseph cited by the Examiner does not enjoy the priority of No. 60331,479. More specifically, it cannot be found anywhere in the provisional application No. 60/331,479 for a teaching to select one from plural feasible originating gateways to route the call, and therefore the effective filing date of Joseph as to this particular distinguishing feature is of November 18, 2002, which is later than the filing date of the present application (February 14, 2002).

Moreover, Applicants respectfully submit that the above underlined distinguishing feature cannot be found in any other cited patents either. Therefore, independent claims 1, 7, 10, 12, 19 and 25 are believed patentable under 35USC §§102 and 103(a). At least for the same reasons, dependent claims 2-6, 8-9, 11, 13-15, 20-24, 26-29 and 37-60 are also believed patentable since each of them includes all the limitations of one of the independent claims.

In particular, newly added dependent claims 37, 40, 43, 46, 49 and 52 further define the distinguishing features of “authenticating said caller by an identifier of said caller if said telephone call is determined to be within the category, and for forwarding, after said caller is authenticated, a dialed number associated with said call to said selected originating gateway so

as to route said telephone call through said selected originating gateway to said data network”, which are believed not anticipated by any of the cited patents and not obvious over their combinations. Applicants are aware that using an identifier of a call (such as a calling number) to authenticate the caller is well-known in the art, such as disclosed in Galvin (US Patent No. 6,134,315). However, none of the cited patents including Galvin teaches or implies the specific time or step (i.e., after the call is determined to be routed to the data network) that the caller is authenticated. Moreover, it cannot be found anywhere in the cited patents a teaching or implication that the dialed number is forwarded to the selected originating gateway after the caller is authenticated.


Furthermore, claims 38, 41, 44, 47, 50 and 53 further define that the identifier of the caller is transmitted to the computer through the selected originating gateway, and claims 39, 42, 45, 48, 51 and 54 define that the dialed number is forwarded to the selected originating gateway in band through the same connection via which the identifier of the caller was transmitted from the router to the selected gateway for the authentication. In other words, for the authentication purpose, a connection is set up between the router and the originating gateway for transmitting the identifier of the caller from the router to the originating gateway (and then to the computer from the originating gateway). After the caller is authenticated, the dialed number is also transmitted from the router to the originating gateway through the same connection (in band) for routing the call to the data network. These features cannot be found anywhere in any of the cited references either. Therefore, the patentability of these dependent claims is further strengthened.

Thus, Applicants respectfully request reconsideration of claims and allowance of them in view of the above remarks and the amendments. The Examiner is authorized to deduct any fees believed due from our Deposit Account No. 11-0223.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail, in a postage prepaid envelope, addressed to Commissioner for Patents, Washington, D.C. 20231 on August 18, 2004.

Dated August 18, 2004 Signed Ute H. Wojtkowski Print Name Ute H. Wojtkowski